

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**UNITED STATES OF AMERICA**

**v.**

**STEPHEN ELLIS**

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**CRIMINAL NO. 11-519**

**ORDER**

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, 2011, upon consideration of Defendant Stephen Ellis's Omnibus Pretrial Motions and the response of the United States of America, it is **ORDERED** as follows:

1. The Government is directed to provide discovery as requested to Defendant Stephen Ellis;
2. The Government is directed to provide all of the exculpatory evidence in its possession, or to which it has access, as requested to Defendant Stephen Ellis; and
3. Defendant Stephen Ellis is granted leave to request additional discovery or file other Pretrial Motions upon review of discovery provided by the Government.

**BY THE COURT:**

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**J.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>CRIMINAL NO. 11-519</b>
	:	
<b>STEPHEN ELLIS</b>	:	

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**DEFENDANT STEPHEN ELLIS'S OMNIBUS PRETRIAL MOTION**

**I. MOTION FOR DISCOVERY AND INSPECTION**

Defendant Stephen Ellis, by and through his attorney Michael T. van der Veen, Esquire, respectfully requests discovery from the Government in accordance with the Federal Rule of Criminal Procedure 16 of all discoverable information, including but not limited to, the following documents, things and records:

1. Defendant's oral statements pursuant to Rule 16(a)(1)(A), if any.
2. Defendant's written or recorded statements pursuant to Rule 16(a)(1)(B), if any.
3. Defendant's prior criminal record, if any.
4. Books, papers, documents, data, photographs, videotapes, tangible objects, buildings or places, or copies or portions of any of these items, if the item is within the government's possession, custody or control.
5. Results or reports of any physical or mental examination and/or of any scientific test or experiment.
6. A summary of the testimony of any expert witness.
7. Any other documents and/or records and/or things that may be introduced into evidence relating to Defendant.

## II. MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE

Defendant Stephen Ellis, by and through his attorney Michael T. van der Veen, Esquire, respectfully requests that the Court order the disclosure by the Government of all information in its possession, or to which it has access, which is favorable to the Defendant. In Particular, Defendant requests the Court to order disclosure of any and all information pertaining to the past criminal behavior and misconduct of the Government witnesses. Specifically, Defendant respectfully requests the Court to order the following:

1. Provide Defendant with any and all files of law enforcement personnel involved in the instant prosecution (county, state and federal) which contain information regarding any Government witness and prior criminal behavior and misconduct, be made available to the defense or in the alternative **(if, and only if, the Court denies the request for direct disclosure of information)**, the defense requests the Court order said information be made available.

2. Provide Defendant with the criminal activities of witnesses called by the prosecution of which Government is aware, whether or not currently under investigation by law enforcement agencies, as well as any prior investigation of any witnesses called by the prosecution.

3. Provide Defendant with statements concerning any monies paid to any and all witnesses by any Government agency. This includes any monies paid to any confidential informant or participating witness during the investigation that led to the indictment in this case. The request for disclosure of such monies includes expenses reimbursed, sums for providing of any information, and the promise or contract with any government agency to provide the witness with any sums of money that resulted from any forfeiture sought as a result of the filing of this

case. This information is sought whether or not such payment of sums is conditioned upon conviction in this case.

4. In order to secure Defendant Stephen Ellis's due process right to a fair trial and his right under the Sixth Amendment to confrontation with witnesses, it is essential that the expertise and knowledge of law enforcement personnel who specialize in investigation of distribution of oxycodone, in so far as it regard the criminal behavior and other misconduct and that they be made available to the defense in advance of trial.

The information is needed as a basis for effective cross-examination of any witness the Government intends to call in this case. This information is also needed for impeachment of those witnesses. The information is in the Government's investigation files and therefore it is those files which must be made available to the defense.

The Defendant also requests the Court order disclosure by the Government of the following additional information on the grounds that it constitutes, or likely will lead to, evidence favorable to Defendant:

- a. The prior criminal records, if any, of all Government witnesses.
- b. Any other information favorable to Defendant, especially information which tends to affirmatively impeach the credibility of any Government witness, or impeach said witness by omission, and especially information which tends to exculpate Defendant from participation in the alleged act.
- c. Information in the Government's possession pertaining to any special personnel need of any Government witness to avoid incarceration, such as impoverishment of their families, or the need for treatment of any addiction, or medical, physical or mental illness.

### **III. MOTION TO EXTEND TIME FOR PRETRIAL MOTIONS**

1. Defendant Stephen Ellis has requested relief in the nature of discovery from the Government but has yet had an opportunity to inspect the evidence.

2. Defendant Stephen Ellis respectfully requests an opportunity to file and proceed with appropriate discovery motions to other motions in the nature of pretrial motions in connection with this matter should discovery lead to a basis for the filing of additional motions as permitted by the Rules of Court.

3. Defendant Stephen Ellis will be unfairly prejudiced if he is unable to file motions following disclosures by the government.

**WHEREFORE**, Defendant Stephen Ellis respectfully requests this Honorable Court to grant Defendant's Omnibus Pretrial Motion and order the Government to provide discovery as requested by Defendant, order the Government to provide all of the exculpatory evidence in its possession, or to which it has access, as requested by Defendant and grant Defendant's leave to request additional discovery or file other Pretrial Motions upon review of discovery.

Respectfully submitted,

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Michael T. van der Veen, Esquire  
Attorney Identification No. 75616  
Kats, van der Veen & Associates  
1 Bustleton Pike  
Feasterville, PA 19053  
215-396-9001  
Attorney for Defendant Stephen Ellis

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**VERIFICATION**

I, the undersigned attorney for Defendant, hereby verify that the statements made in the foregoing Omnibus Pretrial Motion are true and correct to the best of my knowledge, information and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



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Michael T. van der Veen, Esquire  
Attorney Identification No. 75616  
Kats, van der Veen & Associates  
1 Bustleton Pike  
Feasterville, PA 19053  
215-396-9001  
Attorney for Defendant Stephen Ellis

**DATED:** October 26, 2011

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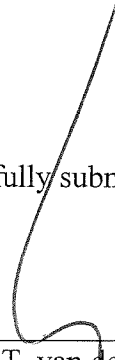
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CRIMINAL NO. 11-519

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion to has filed electronically and is available for viewing and downloading from the ECF system.

Respectfully submitted,



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Michael T. van der Veen, Esquire  
Attorney Identification No. 75616  
Kats, van der Veen & Associates  
1 Bustleton Pike  
Feasterville, PA 19053  
215-396-9001  
Attorney for Defendant Stephen Ellis

**DATED:** October 26, 2011